



## **APPLICANT'S RESPONSE TO NON-FINAL ACTION**

The following is Applicant's response to the Examiner's 12/13/2007 Non-Final Action to Application Number 10/553,926.

### **Response to nonstatutory double patenting rejection**

In response to the Examiner's nonstatutory double patenting rejection over claims of copending application 10/554,022 the applicant has filed a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicant now respectfully requests that the Examiner's nonstatutory double patenting rejection has been duly traversed.

### **Response to 103(a) obviousness rejections to claims 1-2 and 4-21**

In response to the Examiner's 103(a) obviousness rejections to claims 1-2 and 4-21 based on Gress et al. (U.S. Pub-20060128409, hereinafter "Gress") in view of McLaughlin et al. (U.S. Pub-20060058049, hereinafter "McLaughlin") the applicant has amended claims 1, 7-13 and 19 to define the operator to be a human operator. As taught in the application at Paragraphs 0015, 0017, 0020, 0055, 0061 and claimed in original claim 1 the need to intelligently transcribe the original voicemail requires a human operator.

As the examiner's *prima facie* case of 103(a) obviousness to the claims was solely based on the combination of references, this applicant respectfully requests that the claims as amended now traverse these earlier rejections. As explained at MPEP 2145 X.C. (Lack of Suggestion To Combine References) and MPEP 2145 X.D. (References Teach Away from the Invention or